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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,492

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Susanne Marie Crockett

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/626,492

**Applicant(s)**

CROCKETT ET AL.

**Examiner**

Thjuan P. Knowlin

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 12, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 5, 9 - 11, and 14 - 22 are rejected under 35 U.S.C. 103(a) as being anticipated by Frech et al (US 5,729,592), in view of Rathnasabapathy et al (US 6,006,098).
3. In regards to claim 1, Frech teaches receiving a call from a calling station's switch 101 at a called station's switch 102 (See Fig. 1, Col. 3, lines 3 – 7); determining if the called station is busy on a call (See Col. 4, line 64 – Col. 5, line 3); transmitting the calling directory number, called and calling station telephone numbers, any of which read on the claimed information, to service circuit node / intelligent peripheral (SCN / IP)

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131, read as the claimed hub switch if the called station is busy (See Col. 3, lines 43 – 47, Col. 5, lines 13 – 15); using SCN / IP 131 to generate a query that requests for example, a calling party's name and routing instructions, read as the claimed information associated with the calling communications and obtaining such information (See Col. 3, lines 43 – 64, Col. 5, lines 16 – 22); and transmitting such information to the called station (See Col. 5, line 30 – Col. 6, line 6). Frech, however, does not teach using the hub switch to generate a query that requests information associated with the calling communication, the query to direct a signal transfer point to obtain information from a database and obtaining information associated with the calling communication station from the signal transfer point in response to the query. Rathnasabapathy, however, teaches a signal transfer point (See Fig. 1, Fig. 2, and STP 26), receiving a query message from one of a plurality of switches/processors (See Fig. 2 and clusters 64, 66, and 680 requesting information related to a particular mobile customer, where the STP 26 has a database (e.g. first database or SCP 30), which contains routing data and information, pertaining to the mobile customer (See Abstract and col. 1 lines 51-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of locating and routing to the proper destination, the mobile customer's location and information, along with the routing information, and a short message, if desired.

4. In regards to claim 2, Frech teaches initiating or routing an outgoing call to SCN / IP 131. (See Col. 5, lines 13 – 48)

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5. In regards to claim 3, Frech et al. teaches that such information is queried and received from a service control point (SCP) 121, read as the claimed database. (See Col. 3, line 3 – 14 and lines 43 – 66, Col. 5, line 6 – Col. 6, line 6)

6. In regards to claims 4 and 5, see the rejection of claim 1 note that if a calling party's name is requested, obtained, and transmitted, then SCP 121 / database must be at least in part, a caller identification with name database. Moreover, because a calling party's name is determined, such is caller identification or identifying a caller.

7. In regards to claim 9, Frech teaches automatically transmitting the name of the calling party, read as the claimed audible representation of information. (See Col. 3, lines 57 – 65, Col. 5, lines 54 – 59)

8. In regards to claims 10 and 21, Frech has been discussed above. What Frech et al. does not teach is providing textual representation of the information. However, callerID functionality is notoriously old and well known and provides the ability for a called party to textually see who is calling him/her. Because the above-discussed audible representation taught by Frech is effected by translating a textual version of a caller's name, for example, it would have been obvious for one of ordinary skill in the art at the time the invention was made to simply have not taken the extra step of translating the textual version and simply transmitting it as is. Motivation for either is also notoriously old and well known. Sometimes, visual representation is more desirable since visual data is at times easier to decipher and able to present more information without becoming burdensome as would be listening to a plethora of data. On the other hand, if visual means are not available such as with older POTS telephone units,

audible information is the only viable option for presenting information. Either would be an old and well known design choice or preference.

9. In regards to claim 11, Frech teaches transmitting a call waiting signal, read as the claimed audible call waiting indicator. (See Col. 5, lines 54 – 56) Note that this occurs before an information associated with the calling station is transmitted. (See Col. 5, lines 56 – 59).

10. In regards to claim 14, see the rejection of claims 1 and 8. See also Fig. 1 and Col. 3, lines 9 – 14.

11. In regards to claims 15 and 16, see the rejection of claim 1. What Frech does not teach is having a separate hub switch and SCN or IP. However, such would have been an obvious alternative to effect to one of ordinary skill in the art at the time the invention was made inasmuch as all the functionality of both the claimed hub switch and SCN or IP are found in SCN / IP 131 of Frech. Merely separating out certain functionality or locating certain functionality in desired system elements is notoriously old and well known in the advanced intelligent network (AIN) arts. Moreover, Frech does contemplate situations wherein other switches separate that originating (calling station) and terminating (called station) switches and therefore, the SCN /IP 131 could just as easily be located with / connected to one of these intermediate switches which would read on the claimed hub switch. (See Col. 3, lines 22 – 25)

12. In regards to claim 17, having a database co-located with an SCP or having the database portion of the SCP located outside of the SCP is again, notoriously old and well known in the AIN arts. Just as discussed with regard to claims 15 and 16,

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separating out functionality is old and well known. Also, many times, an SCP may need access to more information than its own database contains and is thus connected to another database(s). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have separated from or had another database connected to SCP 121.

13. In regards to claims 18 and 19, see the rejection of claims 1, 2, and 8.

14. In regards to claim 20, see the rejection of claim 9.

15. In regards to claim 22, see the rejection of claim 11.

16. Claims 6, 7, 10, 12, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frech et al (US 5,729,592), in view of Rathnasabapathy et al (US 6,006,098), and further in view of Eisdorfer (US 5,636,269).

17. In regards to claims 6 and 7, Frech has been discussed above. What Frech does not teach is obtaining telephone number information in addition to name information.

18. However, Eisdorfer teaches playing either a name or number (identifying the calling station) and so it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed the system of Frech et al. to store, obtain, and transmit telephone number information. (See Col. 3, line 15 – Col. 4, line 28 of Eisdorfer) This is because 1) both systems teach playing audible announcements for call waiting features and 2) since the information gleaned in both Frech and Eisdorfer

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include both name and number of the calling station, it would simply be a preference or design choice as to whether or not the telephone number would be included in the audible announcement.

19. In regards to claims 12 and 13, Frech has been discussed above as teaching a call waiting audible indicator. What Frech does not specifically teach is what form that indicator takes and transmitting a tone after information is given to the called station.

20. However, call waiting indicators are merely generated tones and can be nearly anything that is desired, and certainly a single tone. The same is true of playing a tone not only before, but after information is transmitted in that such limitations are merely "cosmetic" in nature whose advantages are simply that the system is perhaps more user friendly or more personalized to a designer or system provider's needs / wants. That being the case, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used a single tone as well as played a single tone after the information transmission to the called station.

21. In regards to claims 10 and 21, for further support of obviousness, Eisdorfer teaches playing either a single tone, repeated tones, tones of varying frequency or some combination thereof for a call waiting indicator. (See Col. 3, lines 15 – 21 of Eisdorfer)

### ***Response to Arguments***

22. Applicant's arguments with respect to claims 1-7 and 9-22 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rathnasabapathy et al (US Patent Application Publication – Pub. No. : US 2003/0199281 A1) teach a system and method for application location register routing in a telecommunications network. Rathnasabapathy et al (US 7,079,853) teach a system and method for application location register routing in a telecommunications network.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.


25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thjuan P. Knowlin



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SUPERVISORY PATENT EXAMINER